

## REMARKS

### Claim Rejections 35 U.S.C. § 112:

Claims 7-10 and 17-33 were rejected under 35 U.S.C. § 112, paragraph two as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, independent claims 7, 17 and 21 each called for comparing the rating for the content to a rating of the same one or more characteristics specified by an advertiser. The Examiner states that it is not clear what the term "rating of the same one or more characteristics" refers to. Thus, claims 7, 17 and 21 have been amended to clarify that a rating is specified by the advertiser, the advertiser to specify the rating for one or more content characteristics.

### Claim Rejections 35 U.S.C. § 102:

Claims 7-10 and 17-33 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application US2002/0073421 to Levitan et al. Claims 7, 17 and 21 each recite accessing a predetermined rating assigned to one or more characteristics of content, the rating based on the degree to which said one or more characteristics is present within the content, and comparing the rating for the content to a rating specified by an advertiser, the advertiser to specify the rating for one or more content characteristics. In this way, content is rated and the advertiser specifies an acceptable rating. Thus, the advertiser may be ensured that its advertisement is associated with content having an acceptable degree of the rated characteristics. In other words, based on the advertiser's specified rating, its advertisement will be shielded from association with undesirable content.

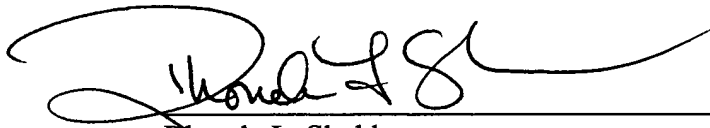
It is respectfully submitted that Levitan has nothing to do with advertiser preference. Rather, Levitan is a personal editing system where a viewer's preferences are stored on the viewer's television. See Figures 2 and 3. In this way, advertisements may be targeted to a viewer based on the viewer's preferences. See page 1 at [0009] through [0010], page 3 at [0023]. In fact, advertisers do not have access to the viewer's computer or television where the viewer's preferences are stored. See page 3 at [0025]. Thus, Levitan is strictly concerned with user or

viewer preference and has absolutely nothing to do with advertiser preferences much less the advertiser's preference for content association. Accordingly, none of the claims including new claims 34-41 are anticipated by Levitan.

In view of the comments herein, it is respectfully requested that the Examiner withdraw the §§ 112 and 102 rejections. As such, it is believed that the application is in condition for allowance. It is respectfully requested that the Examiner allow the application to pass to issue.

Respectfully submitted,

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